

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Keyon Fails

Case: 2:21-mj-30106

Assigned To : Unassigned

Assign. Date : 3/4/2021

CMP: USA v FAILS (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 4, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(2)

Possession of Firearm by a Prohibited Person

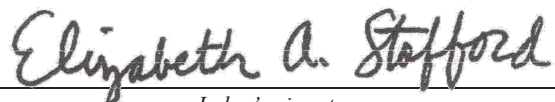
This criminal complaint is based on these facts:
see attached affidavit.

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: March 4, 2021

City and state: Detroit, MI

*Complainant's signature*Special Agent Mark Kroger, FBI*Printed name and title**Judge's signature*Hon. Elizabeth A. Stafford, United States Magistrate Judge*Printed name and title*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

KEYON FAILS,

Defendant.

Case: 2:21-mj-30106

Assigned To : Unassigned

Assign. Date : 3/4/2021

CMP: USA v FAILS (MAW)

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Mark Kroger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March 2012. I am currently assigned to the FBI's Violent Gang Task Force (VGTF) and participate in investigations into street gangs committing various violations of federal law, including narcotics trafficking, weapons trafficking, violent crime, and fraud. Prior to my current assignment, I was assigned to the FBI's white-collar program investigating criminal activity including, but not limited to, investment fraud, identity theft, health care fraud, and money laundering. I have participated in numerous investigations that resulted in the execution of federal search and arrest warrants.

2. I submit this affidavit in support of a criminal complaint charging that, on or about March 4, 2021, within the Eastern District of Michigan, the defendant,

Keyon FAILS (D.O.B.: XX/XX/1998), knowing that he was a fugitive from justice, knowingly possessed a firearm, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(2).

3. I make this affidavit from my personal knowledge of the investigation, as well as information provided by other law enforcement agents and witnesses, a review of court records, and information gained through my training and experience. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all details or facts that exist pertaining to the investigation.

PROBABLE CAUSE

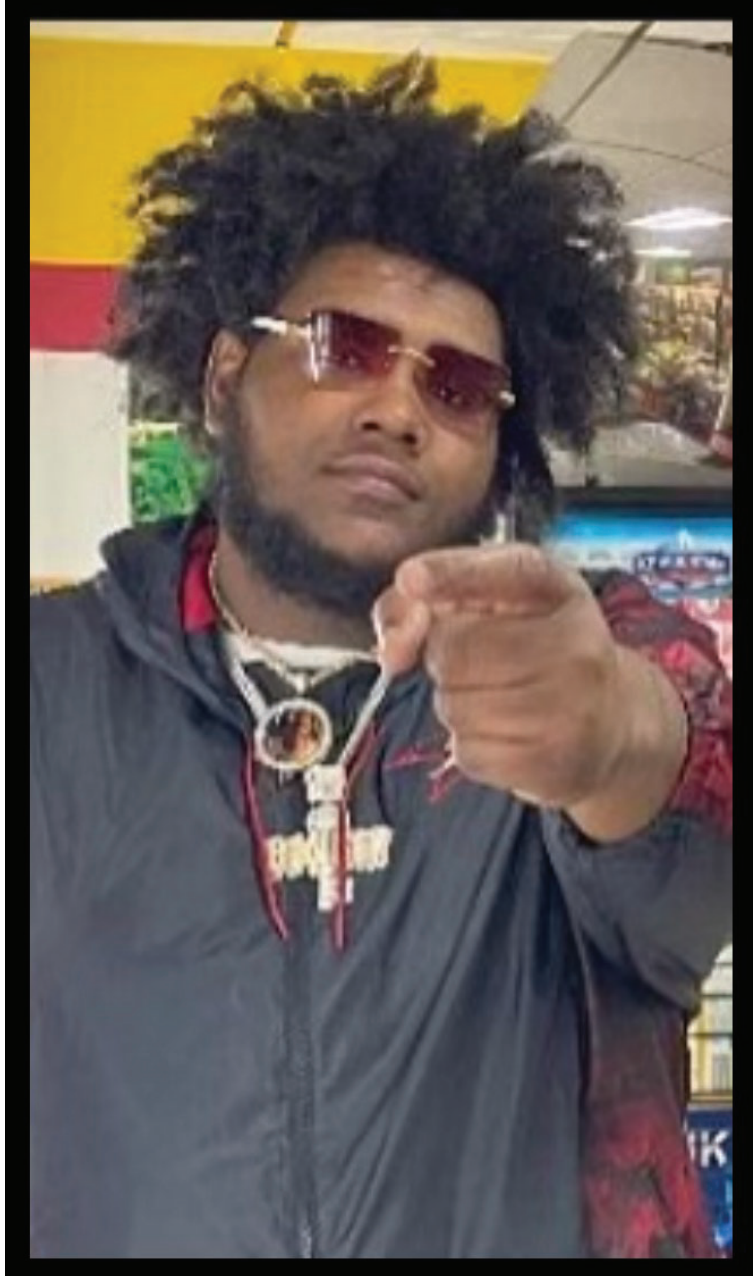
4. On or about March 4, 2021, I and other law enforcement agents executed a federal search warrant at an apartment residence located in Oak Park, Michigan (the “Target Residence”). The Target Residence is Keyon FAILS’s listed address with Michigan Department of Corrections (MDOC) Probation, which is currently supervising FAILS’s probation for prior felony convictions.

5. The search warrant was issued by the Honorable Elizabeth Stafford and authorized the search of the Target Residence for, among other things, firearms and ammunition.

6. When law enforcement agents executed the search warrant on the morning of March 4, 2021, FAILS was present inside the Target Residence, which is a one-bedroom apartment. The only other person found inside the Target Residence was a female who resides there.

7. During the search of the Target Residence, law enforcement agents found a Taurus G3 9mm semi-automatic pistol, bearing serial number ABH840501, on the kitchen counter. The pistol was loaded with 12 rounds of 9mm ammunition.

8. Agents found the pistol on the counter next to a necklace with a pendant with the writing “Big Key.” Based on my review of (1) publicly available music videos on YouTube, in which FAILS goes by the moniker “Fwc Big Key,” and (2) FAILS’s publicly viewable Instagram account, with user name “bigmoney.bigkey,” I know that “Big Key” is FAILS’s nickname or street name. Further, the “Big Key” pendant found next to the pistol appears to be the same pendant necklace that FAILS can be seen wearing in photos posted to his Instagram account, such as in the February 24, 2021 Instagram post pictured below:



9. I have reviewed FAILS's computerized criminal history report ("CCH") and court records, which revealed that he is a convicted felon. Specifically, in 2019 FAILS was convicted in Lucas County, Ohio, of two counts of Forgery (Ohio Rev. Code Ann. § 2913.31(A)(3) & (C)(1)(a) & (b)) and one count of Possessing criminal tools (Ohio Rev. Code Ann. § 2923.24(A) & (C)).

(These offenses are fifth-degree felonies under Ohio state law and carry a maximum potential punishment of 12 months in prison.) FAILS was sentenced to four years of probation and he is currently being supervised by MDOC Probation.

10. FAILS's CCH also revealed that he is currently a fugitive from justice. Specifically, there is an outstanding warrant for his arrest issued out of Gregg County, Texas. Based on my discussions with an official at the Longview Police Department, I know that FAILS was arrested on October 22, 2019 in Longview, Texas for felony fraud charges. FAILS was released on October 23, 2019 on a surety bond. After FAILS failed to appear for a court hearing in Gregg County, a warrant for his arrest issued on February 21, 2020.

11. Accordingly, there is probable cause to believe that on March 4, 2021, when he possessed the Taurus firearm inside the Target Residence, FAILS knew that he was a "fugitive from justice" as that term is defined in 18 U.S.C. § 921(a)(15)—that is, a person who has fled from any State to avoid prosecution for a crime. Specifically, there is probable cause to believe that on March 4, 2021, FAILS knew that felony criminal charges were pending against him in Texas; FAILS had refused to answer those charges by failing to appear at a scheduled court hearing in Texas; and FAILS had left Texas, the state where those charges are pending.


12. According to ATF Special Agent Michael Jacobs, who is an expert in the interstate nexus of firearms, Taurus firearms are not manufactured in the state of Michigan, and therefore he made a preliminary determination that the Taurus G3 9mm semi-automatic pistol, bearing serial number ABH840501, was likely manufactured outside the state of Michigan and thus had traveled in interstate commerce from its point of manufacture to Michigan.

CONCLUSION

13. Based on the foregoing, I respectfully submit there is probable cause to believe that, on or about March 4, 2021, within the Eastern District of Michigan, the defendant, Keyon FAILS, knowing that he was a fugitive from justice, knowingly possessed a firearm, to wit: a Taurus G3 9mm semi-automatic pistol, bearing serial number ABH840501, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(2).

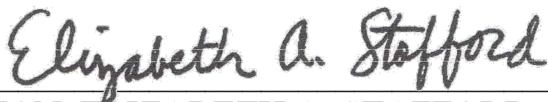
Respectfully submitted,

By:



Mark Kroger
Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in
my presence and/or by reliable electronic means.



HON. ELIZABETH A. STAFFORD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF MICHIGAN

Date: March 4, 2021